IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7502 OF 2005

Chandrakant Tulshiram Gunjal Applicant

versus

The State of Maharashtra Respondent

Mr.M.K.Kocharekar i/by M/s.Rajiv Sawant & Associates for applicant.

Mr.S.S.Tatkare, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 30th November 2005

PC :

1. On 22nd November 2005 I had passed an order granting interim protection to the applicant on the condition that he attends Police Station from 23rd November 2005 till date.

2. Shri Tatkare, learned APP states that although the applicant is a Police Constable, has been attending the concerned Police Station. He has not co-operated with the investigation. Further investigation is necessary to ascertain the names of other persons who have taken part in the incident.

3. In my view, considering the fact that the learned Magistrate has already enlarged the co-accused Sanjay on bail as also the fact that the applicant is attending the Police Station, this is a fit case where the applicant deserves to be enlarged on bail in the event of his arrest in the said CR.. However, the applicant being a Police Constable is expected to abide by all conditions including necessary co-operation for investigation. He shall not contact the complainant in the matter inasmuch as there is a serious grievance that the complainant has filed an affidavit subsequent to the incident stating that the applicant is not involved in the incident. In these circumstances, as a Police Constable, the applicant has to abide by the conditions imposed including attendance strictly, failing which it will be open for the prosecution to apply for cancellation of this order.

4. Accordingly, following order :-

(i) In the event of the arrest of the applicant in connection with C.R.No.408/2005 registered with Ghatkopar Police Station, the applicant shall be enlarged on bail subject to furnishing

P.R.Bond in the sum of Rs.10,000/- (Rs.Ten thousand only) with two sureties in the like sum;

ii) The applicant shall attend Ghatkopar Police Station on every Monday and Thursday between 05.00 p.m. to 07.00 p.m..

iii) The applicant shall not enter the area where the complainant is residing nor shall he in any manner establish any contact or influence the complainant;

iv) The applicant shall also intimate the Investigating Authority of his postings and transfers during the course of investigation;

(v) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicant shall not tamper with the prosecution evidence.

(vi) Any observation made in this order shall not be construed as any finding or any expression of

opinion on the merits of the case at the time of trial.

(vii) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief.

(viii) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)